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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/501,811	07/19/2004	Werner Helms	016906-0321	4930

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EXAMINER

HOOK, JAMES F

ART UNIT	PAPER NUMBER
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3754

DATE MAILED: 08/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/501,811

Applicant(s)

HELMS ET AL.

Examiner

James F. Hook

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8 and 12-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8 and 12-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-8, and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ouchi (629) in view of Sabathie (FR 2757258) and Koehnlechner (DE 19820937). The patent to Ouchi discloses the recited multi chamber tube made from a flat strip comprising a longitudinal weld 5 at the end of one of the two curved narrow faces such as 4, and provided with a plurality of webs 6 to divide the chamber longitudinally which are soldered to the opposite wall, the longitudinal seam is considered to inherent possess the ability to be located anywhere the narrow curved ends when such would not always be perfectly centered depending on the bending of the sheet, where such is inherent to bending metal materials, also the thicknesses of the strip or wall can be 0.15-0.5mm which overlaps the claimed range, the thickness of the entire bent tube can be 1.2-2.0mm which also overlaps the range claimed. The patent to Ouchi discloses all of the recited structure with the exception of forming the

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webs along only one longitudinal face of the tube instead of both, and forming the end with a widened portion at the end which leaves the unshaped webs remaining unshaped. The patent to Sabathie discloses in figure 2, that a plurality of webs can be formed in a single longitudinal face of the tube with the welded seam being formed on the small curved end of the tube near 2,3. It would have been obvious to one skilled in the art to modify the webs in Ouchi to extend from only one of the longitudinal faces as suggested by Sabathie as such is merely a choice of mechanical design as taught by Sabathie where such would be cheaper to manufacture by allowing all the bends to be made on only one part of the strip thereby requiring simpler bending machines which are cheaper which would save money. The patent to Koehnlechner discloses that it is old and well known in the art of multi chamber pipes to expand the end of a multi lumen tube 2 as seen in figure 2 by expanding one side and not doing anything to the web portion 6. It would have been obvious to one skilled in the art to modify the end of the pipe in Ouchi by expanding the end to allow for it to more easily connect to other tubes and items as suggested by Koehnlechner where such would save money by making it easier to connect lengths of multilumen pipes.

Response to Arguments

Applicant's arguments filed May 15, 2006 have been fully considered but they are not persuasive. With respect to Ouchi not teaching certain aspects of the claimed invention, such is not persuasive when the modifying references provide the missing structure. With respect to Sabathie, such teaches in figure 2 that the folds can be

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formed in only one side and that is the only feature taught by this reference that is being relied upon to modify Ouchi. With respect to Koehnlechner, such is used to show what applicant admits is old and known in the art in applicant's specification, that ends of the tube can be expanded without disturbing the webs by only deforming one side, any remaining argument as to it's structure is immaterial when such is not being relied upon, only that tubes with webs can be deformed on the non-web side. With respect to applicant's arguments directed toward where the seams lie, such is immaterial when the prior art teaches the proper placement, and one would expect based upon the teachings of the prior art as well as applicants admission it is old and well known in the art to deform the ends, that such would be successful regardless of where the seam lies. It could not be found in the references where the seam was given a specific location. In fact Sabathie even shows that the seams can be placed in various locations if desired, and it is considered within the abilities of one skilled in the art to utilize the teachings of Koehnlechner to expand the ends of tubes regardless of where the seam lies. The argument that stresses would cause it to fail is unsupported. Also, the Ouchi reference teaches the proper seam and such would be stronger and once modified by the teachings of Koehnlechner would inherently have more strength than a soldered seam and therefore there seems to be no suggestion that one would not expect success.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

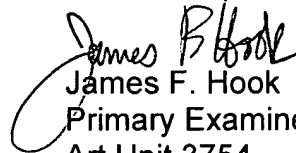
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James F. Hook whose telephone number is (571) 272-4903. The examiner can normally be reached on Monday to Wednesday, work at home Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on (571) 272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


James F. Hook
Primary Examiner
Art Unit 3754

JFH